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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,187	12/10/1999	MOHAMMAD PEYRAVIAN	P-4541.006	9759

7590 11/03/2003

IBM CORPORATION DEPT T81/062
3039 CORNWALLIS ROAD
RTP, NC 27709

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,187

Applicant(s)

PEYRAVIAN ET AL.

Examiner

Michael J Simitoski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 22 September 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Response of 9/22/03 has been received and considered.
2. Informalities pointed out below have not been corrected; therefore, the objections are maintained.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
 - a. Reference character "104" has been used to designate both "hash value H generated on document D or a selected portion thereof is transmitted to and received by the TSA", as disclosed in the specification and "TIME STAMP RECEIPT GENERATED", as shown in Figure 1.
 - b. Reference character "106" has been used to designate both "TSA computes a time difference", as disclosed in the specification and "TIME STAMP RECEIPT TRANSMITTED TO TSA", as shown in Figure 1.
 - c. Reference character "108" has been used to designate both "TSA creates a time stamp receipt", as disclosed in the specification and "VERIFY TIME STAMP RECEIPT", as shown in Figure 1.
 - d. Reference character "110" has been used to designate both "signs the stamp receipt", as disclosed in the specification and "RECEIPT VALID?" as shown in Figure 1.
 - e. Reference character "112" has been used to designate both "transmits the time stamp receipt to the requestor", as disclosed in the specification and "COMPUTE AGE OF TIME STAMP RECEIPT", as shown in Figure 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,136,647 to Haber et al.

In regards to claims 1, 10 and 11, Haber et al. disclose a time stamping method wherein data is received an outside agency, such as a “time-stamping agency (TSA)” (see figures 1, 2 and 3, column 2, lines 56-66 and column 8, lines 50-51) that verifies the temporal existence of a document and returns an encrypted receipt (see figure 1). Haber et al. also disclose a time stamp with associated identification information (see column 4, lines 6-16) and using the current time (see column 6, lines 16-24) certifying the receipt using a private signature key, allowing the time stamp to be verified by anyone using the agency’s public key to decrypt the stamp (see column 3, lines 61-68 and column 2, lines 5-21).

In regards to claim 2, Haber et al. suggest a time stamping method, as discussed above, further disclosing the transmission of the receipt “back to the author where it is held for later use in required proof of such existence” (see column 3, lines 1-5 and column 4, lines 19-23).

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In regards to claims 3, 4 and 5, Haber et al. disclose a time stamping method as discussed above further disclosing applying a “deterministic function” such as a “oneway hash” function to all or part of the document data (see ABSTRACT, lines 5-8 and column 3, lines 6-14).

In regards to claims 6 and 7, Haber et al. disclose a method of time stamping a document as discussed above and further discloses a digital receipt, which is an encrypted representation of data such as the current time concatenated with at least a portion of the digital representation of the document (see column 4, lines 6-16 and column 8, lines 59-68).

In regards to claims 8 and 9, Haber et al. further disclose including identifying data, such as an author ID number and sequential receipt number, with the digital document data and current time in the certified receipt (see column 4, lines 6-16).

Response to Amendment

6. Applicant argues that the claimed invention differs substantially from the prior art in that the timestamp includes a time difference, rather than the current time. Haber '647 discloses each timestamp data (at time= t_k) relying on a previous timestamp (at time= t_{k-1}) for validity. The examiner directs applicant to column 4, lines 6-16 of Haber '647 where Haber discloses “fixing” the time for D_k and time t_{k-1} which bounds the existence of the current in the past direction by the previous receipt (see col. 6, lines 56-66). By “fixing” a time between D_k and t_{k-1} , a difference is computed.

Additionally, applicant is directed to col. 6, lines 15-24 where Haber discloses that a recorded time is a standard 32-bit computer representation, which is known in the art as the number of seconds or milliseconds that have past since a reference time, or a literal statement

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representing Greenwich Mean Time, which is well known in be a reference time from which geographically-specific times are calculated by adding or subtracting an offset.

Therefore, applicant's argument is unpersuasive and the rejections are maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,381,696 to Doyle discloses using transient encryption keys for time stamping.

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Additionally, RFC868 (May 1983) is made of record to show that it is known in the art for computer time data to be represented as a measured difference from a specific reference point.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (703)305-8191. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:30 p.m.. The examiner can also be reached on alternate Fridays from 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703)308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 746-7239 (for formal communications intended for entry)

Or:

(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9000.



MJS

October 23, 2003


NORMAN M. WRIGHT
PRIMARY EXAMINER